

DELEGATED REPORT

Report by Amanda

Date of report: 10/11/2021

Ref:67755/NON

Uhunmwagho

Registration: 03/11/2021

LDFC:

Expiry Date: 01/12/2021

Site Visit:

Site Notice: N/A

Press Date: N/A

Objections:

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Non material amendment following approval of planning permission 67248-
Changes to front garage entrance

Location: 17 Colinwood Close, Bury, BL9 8HQ

Description

Planning permission was recently granted at this property. The applicant has submitted this non-material amendment application as they wish to make a change to that permission. The proposed change is to the store door and windows on the front elevation. The approved proposal showed a glazed door with full length windows to either side. The applicant now proposes to install a traditional style window and glazed door instead. There would be no other changes to the overall size or layout of the previously approved extension.

Relevant Planning History

67248 - Garage conversion and raising of ridge above garage to form living accommodation - Approve with Conditions 23/09/2021

Publicity

N/A

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

SPD6 Supplementary Planning Document 6: Alterations & Extensions

H2/3 Extensions and Alterations

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations. The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP Policy will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due

regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

The only change would be to the windows and door to the front elevation of the converted garage. The materials to be used would be considered in-keeping with the existing property. There would be no changes to the overall size or layout of the previously approved development. As such it would still accord with SPD 6 and the amendment can be treated as non-material.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve

Conditions and Reasons:

- 1 The revision to the previous proposal, by the change to the store door and windows on the front elevation will not impact adversely on either residential or visual amenity

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of the surrounding area. As such it can be treated as a non-material amendment to application ref 67248.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU -	10/11/2021	DM	11/11/2021